

**CERTIFICATE OF DELIVERY**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Mail Stop Amendment, Commissioner Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

on April 12, 2005

Date of Deposit

John C. Freeman, Reg. No. 34,483

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature



Our File No. 10781-25

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: Ioannis Pallikaris et al.

Appln. No.: 10/786,350

Filed: February 25, 2004

Art Unit: 3739

For: Device for Separating the  
Epithelium Layer from the  
Surface of the Cornea of an Eye

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22323-1450

Dear Sir;

Pursuant to the obligation under 37 C.F.R. 1.56 and in conformance with 37 C.F.R. 1.97-1.99, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following references B1 – B194 in the appended tables.

**U.S. PATENT DOCUMENTS**

Document Number	Publication Date	Name
2,881,500	04/14/1959	C. W. Furness
4,346,482	08/31/1982	Tennant et al.



Document Number	Publication Date	Name
4,381,007	04/26/1983	Doss
4,417,579	11/29/1983	Soloviev et al.
4,646,720	03/03/1987	Peyman et al.
4,662,370	05/05/1987	Hoffmann et al.
4,662,881	05/05/1987	Nordan
4,676,790	06/30/1987	Kern
4,688,570	08/25/87	Kramer et al
4,715,858	12/29/1987	Lindstrom
4,770,172	09/13/1988	L'Esperance, Jr.
4,773,414	09/27/1988	L'Esperance, Jr.
4,775,361	10/04/1988	Jacques et al.
4,793,344	12/27/1988	Cumming et al.
4,838,266	06/13/1989	Koziol et al.
4,840,175	06/20/1989	Peyman
4,844,060	07/04/89	Krumeich
4,865,033	09/12/89	Krumeich et al.
4,884,570	12/05/89	Krumeich et al.
4,955,894	09/11/1990	Herman
5,011,498	04/30/1991	Krumeich et al.
5,108,388	04/28/1992	Trokell
5,171,318	12/15/1992	Gibson et al.
5,192,316	03/09/1993	Ting
5,196,027	03/23/1993	Thompson et al.
5,213,720	05/25/1993	Civerchia
5,312,330	05/17/1994	Klopotek
5,318,047	06/07/1994	Davenport et al.
5,319,424	06/07/1994	Tomiyama
5,323,788	06/28/1994	Silvestrini et al.
5,374,515	12/20/1994	Parenteau et al.
5,395,385	03/07/1995	Kilmer et al.
5,423,801	06/13/1995	Marshall et al.
5,437,658	08/01/1995	Muller et al.
5,490,849	02/13/1996	Smith
5,496,339	03/05/1996	Koepnick
5,505,723	04/09/1996	Muller
5,522,888	06/04/1996	Civerchia
5,549,597	08/27/1996	Shimmick et al.
5,549,632	08/27/1996	Lai
5,599,341	02/04/1997	Mathis et al.
5,613,965	03/25/1997	Muller
5,630,810	05/20/1997	Machat
5,632,757	05/27/1997	Arnott
5,647,865	07/15/1997	Swinger
5,649,943	07/22/1997	Amoils
5,676,679	10/14/1997	Simon et al.
5,685,998	11/11/1997	Shannon et al.
5,690,657	11/25/1997	Koepnick
5,699,810	12/23/1997	Pallikaris
5,700,274	12/23/1997	Feaster
5,711,762	01/27/1998	Trokell
5,716,633	02/10/1998	Civerchia

Document Number	Publication Date	Name
5,722,427	03/03/1998	Wakil et al.
5,722,971	03/03/1998	Peyman
5,735,843	04/07/1998	Trokel
5,740,803	04/21/1998	Gray et al.
5,741,245	04/21/1998	Cozean et al.
5,779,696	07/14/1998	Berry et al.
5,795,351	08/18/1998	Clapham
5,807,380	09/15/1998	Dishler
5,827,641	10/27/1998	Parenteau et al.
5,833,701	11/10/1998	Gordon
Re.35,974	12/01/1998	Davenport et al.
5,857,995	01/12/1999	Thomas et al.
5,904,678	05/18/1999	Pop
5,919,185	07/06/1999	Peyman
5,941,874	08/24/1999	Hohla
5,964,748	10/12/1999	Peyman
5,970,984	10/26/1999	Wakil et al.
5,975,351	11/02/1999	DeLacerda
5,980,543	11/09/1999	Carriazo et al.
5,984,916	11/16/1999	Lai
5,989,272	11/23/1999	Barron et al.
6,006,756	12/28/1999	Shadduck
6,030,398	02/29/2000	Klopotek
6,036,683	03/14/2000	Jean et al.
6,071,293	06/06/00	Krumeich
6,083,236	07/04/2000	Feingold
6,099,541	08/08/2000	Klopotek
6,110,202	08/29/2000	Barraquer et al.
6,129,723	10/10/2000	Anderson et al.
6,132,421	10/17/2000	Clapham
6,162,210	12/19/2000	Shadduck
6,171,336 B1	01/09/2001	Sawusch
6,187,053 B1	02/13/2001	Minuth
6,203,538 B1	03/20/2001	Peyman
6,217,571 B1	04/17/2001	Peyman
6,221,067 B1	04/24/2001	Peyman
6,241,721 B1	06/05/2001	Cozean et al.
6,254,619 B1	07/03/2001	Garabet et al.
6,264,648 B1	07/24/2001	Peyman
6,280,435 B1	08/28/2001	Odrich et al.
6,280,469 B1	08/28/2001	Terry et al.
6,280,470 B1	08/28/2001	Peyman
6,293,938 B1	09/25/2001	Muller et al.
6,302,896 B1	10/16/2001	Carriazo et al.
6,306,075 B1	10/23/2001	Shadduck
6,322,216 B1	11/27/2001	Yee et al.
6,331,177 B1	12/18/2001	Munnerlyn et al.
6,379,370 B1	04/30/2002	Feinsod
6,391,055 B1	05/21/2002	Ikada et al.
6,409,345 B1	06/25/2002	Molebny et al.
6,436,093 B1	08/20/2002	Ruiz et al.

Document Number	Publication Date	Name
6,451,039 B1	09/17/2002	Richey, Jr. et al.
6,458,141 B1	10/01/2002	Peyman
6,464,692 B1	10/15/2002	Ruiz et al.
6,497,701 B2	12/24/2002	Shimmick et al.
6,530,916 B1	03/11/2003	Shimmick
6,543,453 B1	04/08/2003	Klima et al.
6,544,286 B1	04/08/2003	Perez
6,551,307 B2	04/22/2003	Peyman
6,559,305 B1	07/29/2003	Feingold
6,589,558 B1	07/08/2003	Pallikaris
6,607,527 B1	08/19/2003	Ruiz et al.
6,623,497 B1	09/23/2003	Feingold
6,626,924 B1	09/30/2003	Klopotek
6,638,271 B2	10/28/2003	Munnerlyn et al.
6,666,855 B2	12/23/2003	Somani et al.
6,673,062 B2	01/06/2004	Yee et al.
6,702,807 B2	03/09/2004	Peyman
6,702,832 B2	03/09/2004	Ross et al.
6,706,036 B2	03/16/2004	Lai
6,730,073 B2	05/04/2004	Bruce
2001/0053917 A1	12/20/01	Lin et al.
2002/0026101 A1	02/28/2002	Bookwalter
2002/0026240 A1	02/28/2002	Pallikaris et al.
2002/0052596 A1	05/02/2002	Pallikaris et al.
2002/0052614 A1	05/02/2002	GeBauer
2002/0077640 A1	06/20/2002	Metzger
2003/0011745 A1	01/16/2003	Molebny et al.
2003/0018347 A1	01/23/2003	Pallikaris et al.
2003/0018348 A1	01/23/2003	Pallikaris et al.
2003/0083743 A1	05/01/2003	Perez
2003/0105521 A1	06/05/2003	Perez
2003/0139755 A1	07/24/2003	Dybbs
2003/0220653 A1	11/27/2003	Perez
2004/0059361 A1	03/25/2004	Feingold
2004/0073246 A1	04/15/2004	Aufure et al.
2004/0097955 A1	05/20/2004	Feingold
2004/0167555 A1	08/26/2004	Pallikaris et al.
2004/0220599 A1	11/04/2004	Pallikaris et al.

### **FOREIGN PATENTS DOCUMENTS**

Document Number	Publication Date	Country/Organization
WO 01/93791 A1	12/13/2001	WIPO
WO 01/97729 A1	12/27/2001	WIPO
WO 02/06883 A2	01/24/2002	WIPO
WO 03/009789 A1	02/06/2003	WIPO
WO 03/026542 A1	04/03/2003	WIPO
WO 03/061518 A2	07/31/2003	WIPO

Document Number	Publication Date	Country/Organization
EP 0 659 955 B1	01/29/1997	EP
EP 0 873 735 A1	10/28/1998	EPO
EP 0 956 840 A2	11/17/1999	EPO
EP 1 181 913 A2	02/27/2002	EP
EP 1 199 055 A1	04/24/2002	EP
EP 1 350 492 A2	10/08/2003	EP
DE 27 50 492 A1	05/17/1979	West Germany
DE 38 38 253 A1	05/23/1990	Germany
DE G93 15 396.1 U1	02/17/1994	Germany
DE 100 51 215 A1	05/08/2002	Germany
DE 101 19 477 A1	10/24/2002	Germany
DE 102 14 917 A1	10/16/2003	Germany
DE 102 32 169 A1	02/05/2004	Germany
DE 198 47 089 A1	05/31/2000	Germany
DE 200 23 239 U1	08/14/2003	Germany
DE 201 07 259 U1	12/06/2001	Germany
DE 202 04 635 U1	09/04/2003	Germany
DE 297 14 266 U1	12/11/1997	Germany
DE 297 12 339 U1	01/29/1998	Germany
DE 298 05 538 U1	07/16/1998	Germany
DE 298 10 603 U1	12/03/1998	Germany
FR 2 691 625 A3	12/03/1993	France
JP 2002119532 A	04/23/2002	Japan
CA 2,355,478 A1	02/25/2002	Canada

### **PUBLICATIONS AND OTHER INFORMATION**

Ioannis G. Pallikaris, MD, Maria E. Papatzanaki, MD, Evdoxia Z. Stathi, MD, Oliver Frenschok, and Anthimos Georgiadis, PhD, "Laser in Situ Keratomileusis, Lasers in Surgery and Medicine," Vol.10, 1990, pp. 463-468.
Chen, K-H. et al. "Transplantation of Adult Human Corneal Endothelium Ex Vivo: A Morphologic Study," Cornea, Vol.20, No.7, 2001, pp. 731-737.
Joo, C-K et al. "Repopulation of Denuded Murine Descemet's Membrane with Life-Extended Murine Corneal Endothelial Cells as a Model for Corneal Cell Transplantation," Graefes Archive for Clinical and Experimental Ophthalmology; Vol. 238, No.2, 2000, pp. 174-180.
Schwab, I. R. and Isseroff, R. R., "Bioengineered Corneas - The Promise and the Challenge," The New England Journal of Medicine; Vol. 343, No.2, 2000, pp. 136-138.
Tsai, R. J-F. et al. "Reconstruction of Damaged Corneas by Transplantation of Autologous Limbal Epithelial Cells" The New England Journal of Medicine; Vol. 343, No.2, July 13, 2000, pp. 86-93.
Chen, C. C. et al. "Human Corneal Epithelial Cell Viability and Morphology after Dilute Alcohol Exposure" Investigative Ophthalmology & Visual Science; Vol.43, No.8, August, 2002, pp. 2593-2602.
Pallikaris, Ioannis G., M.D., et al. "Epi-LASIK: Comparative Histological Evaluation of Mechanical and Alcohol-Assisted Epithelial Separation," J Cataract Refract Surg; Vol. 29, August 2003, pp. 1496 - 1501.
EPI-Peeler Drawing by Geuder, Germany, produced from Chris Lohmann presentation, April 2004, One page.

Lohmann, Chris P., MD, PhD, "Epi-Lasik Epi-Tome", presented April 2004, Seville, Spain, 47 pages.
Photo using a light microscope of a blade manufactured by GeBauer, evaluated in Athens, Greece, on or about June 2004, One page.
Soloway, Barrie D., "US Clinical Studies with the Epik for E-Lasik" performed by Moria (Epi-Lasik and Lamellar Surgery), presented September 18, 2004, Paris, France, Twenty-three pages.
Gebauer announcements of clinical results for the first 100 Epi-LASIK patients treated in Europe, March 5, 2004, One page.

For the Examiner's convenience, Applicants are enclosing Form PTO-1449 (five sheets).

The current patent application claims priority under 35 U.S.C. § 120 to U.S. Patent Application Serial No. 09/911,356, filed on July 23, 2001. In compliance with 37 C.F.R. §1.98 (a) – (c), information disclosure statements submitted in this U.S. Patent Application Serial No. 09/911,356 did enclose a copy of each correspondingly listed reference as required under 37 C.F.R. §1.98(a)(2) (as modified by the Commissioner's Notice dated October 12, 2004). Accordingly, pursuant to 37 C.F.R. §1.98 (d) (1) and (2), additional copies of the listed references are not required to be submitted in the present Supplemental Information Disclosure Statement. Applicants invite the Examiner to review the contents of the above-mentioned patent application and the art cited therein.

Additionally, Applicants wish to inform the Examiner that cited publications, presentations, drawings, and photos correspond to other commonly assigned US Patent Applications 10/098,167; 10/786,350; and 10/971,727, which are related to the present application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants are not aware of any official English translations for some of the cited references. As such, Applicants are hereby providing brief statements which

are drawn solely from their respective English-language abstracts, English-language translated independent claims, and/or the drawings.

In regard to WO 03/026542 A1, based solely on its translated abstract and its drawing, this reference is pertinent because it appears to relate to an eye surgical instrument, especially for Laser-Epithelial Keratomileusis of the cornea of the eye. This instrument includes a blade with an oval-shaped edge to incise the corneal epithelium.

In regard to EP 0 659 955 B1, based solely on the English claims, the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a scaffold structure. The scaffold structure is preferably for working on facades or similar structure with stanchions arranged in parallel to one another which are connected in the manner of a ladder by cross members on which platforms may be suspended at the same level by means of hooks.

In regard to EP 1 350 492 A2, based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a ring-shaped insert which has an open-pored molding made of sintered glass with roughness at its front surface to prevent an eyeball from touching a surface of the insert with more than 10% of its surface. A latch closure attaches the insert to a ring wall. If the shape of the insert conforms to the eyeball, the shape and intra ocular pressure are unaffected. If the shape of the insert has a greater curvature, the internal pressure is controlled.

In regard to DE 27 50 492 A1 and based solely on the drawings and the attached English language Abstract, this reference is pertinent because it seems to be directed to a test holder for an assembly board. The test holder has a hinged adaptor in which the assembly board is placed, a cassette with pins and a sleeve contact field. The test holder has a supporting frame with an openable guiding device at its front, with a top and a bottom guiding bar or the assembly board to be tested, and an exchangeable adapter on which the tested board can be placed. An

exchangeable cassette with test points is movably fastened to a hinged guiding device behind the frame. It contacts certain points of the assembly board, and a sleeve contact field which is also hinged is provided behind the frame for various plugs.

In regard to DE 38 38 253 A1 and based on the drawings and the English language translation of the Abstract, this reference is pertinent because it seems to be directed to a suction ring. The suction ring of the application is intended to fixedly hold the human eye during surgery. Whereas hitherto, only rings without suction permitted the intraocular pressure to remain unchanged or whereas the suction rings used for a desired increase of the pressure comprised a hollow profile that was open towards the inside, the ring of the present application permits secure fixation of the eye without deforming the eyeball or increasing the internal pressure. The ring comprises an outer rectangular profile (1) which carries an inner member (2) that rests against the eye, extends annularly, has a triangular cross-section and leaves two channels via webs (4) between the inner member (2) and the ring wall (1) in order to achieve a reduced pressure. The circularly extending inner wall (2) lying between the two channels rests against the eye and avoids deformation of the eye by the fixing suction. Fixation of the ring on the eye is guaranteed by the two suction channels (3) without it being possible for the eye wall to be drawn into the hollow profile. The suction is generated by an external vacuum source through the hollow handle (6). The central ring opening (7) can be used to receive additional concentric rings which permit guidance of a knife.

In regard to DE G 93 15 396.1 U1 and based on solely on the drawings, this reference is pertinent because it seems to be directed to a device for testing an automatic blocking hindrance system (ABV – System) found on vehicles.

In regard to DE 100 51 215 A1, it appears to be based on U.S. Publication US 2002/0052614 A1 which claims priority to it. Based solely on the '614 publication, the '215 reference is pertinent because it seems to be related to a blade which includes a carrier member and a foil of amorphous metal joined to the carrier member via an adhesive layer. The amorphous metal forms the cutting edge of the



blade. The cutting edge of the blade is formed by a one-sided ground section extending over the carrier material as well as the amorphous metal. The use of the foil of amorphous metal allows the manufacture of an inexpensive blade having a high sharpness and, with respect to the blade body, an exactly defined position of the cutting edge.

In regard to DE 101 19 477 A1 and based solely on the drawings and the attached English language translation this reference is pertinent because it seems to be directed to a LASEK eye surgery device for use in correction of sight defects. The LASEK eye surgery device has a cutter arrangement for correctly positioning a cutter used to open up the cornea so as to be perpendicular to the surface. The LASEK device has a cutting arrangement having a stator with a removable guide for a cutter.

In regard to DE 102 14 917 A1, this reference is claimed as priority to EP 1 350 492 A2, discussed above. Thus, this reference is pertinent because it seems to be directed to a ring-shaped insert which has an open-pored molding made of sintered glass with roughness at its front surface to prevent eyeball touching surface with more than 10% of its surface. A latch closure attaches the insert to a ring wall. If the shape of the insert conforms to the eyeball, the shape and intra ocular pressure are unaffected. If the shape of the insert has a greater curvature, the internal pressure is controlled.

In regard to DE 102 32 169 A1 and based solely on the drawings and the attached English language Abstract, this reference is pertinent because it seems to be directed to a LASIK device for removal of an epithelial layer from the eye. The LASIK device has a main body and a trepan that is fed through the main body. The LASIK device is sterilized using gamma radiation. The LASIK device is designed as single piece device to facilitate the sterilization method.

In regard to DE 198 47 089 A1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a suction ring for the eye that has a mainly elliptical suction groove

open towards the eye. The main axial diameter of the ellipse creates a working area for an eye-laser for example. Part of a partially shaved-off cornea rests outside. The subsidiary axial diameter of the ellipse is such that it runs as closely as possible to the optimal working area. The side facing away from the eye has guide-tracks holding operation aids such as lens or plane.

In regard to DE 200 23 239 U1, this reference is pertinent because it seems to be a German patent that issued from the German Patent Application DE 100 51 215 A1, discussed above. Thus, this reference is pertinent because it seems to relate to a blade which includes of a carrier member and a foil of amorphous metal joined to the carrier member via an adhesive layer. The amorphous metal forms the cutting edge of the blade. The cutting edge of the blade is formed by a one-sided ground section extending over the carrier material as well as the amorphous metal. The use of the foil of amorphous metal allows the manufacture of an inexpensive blade having a high sharpness and, with respect to the blade body, an exactly defined position of the cutting edge.

In regard to DE 201 07 259 A1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a transport system for blood banks. The transportation of blood bags, hanging rather than lying, keeps them closer together, increasing mechanical handling density. Up to 15 bags occupy a meter length. Space occupancy of two parallel transport paths is very small at 300 mm width. Carriages on rails conveniently transport the bags on hooks. The transport system, described further, is suitable for clean rooms. Construction is modular.

In regard to DE 202 04 635 U1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a scaffold system. The scaffold system has a scaffolding component that has one hook or opening to take a further scaffolding component in a release lock. The two components are held together by a swing clip with a lateral section, with partial elastic distortion which covers the hook or opening at least partially in the

closed position, and exposes it when open. The clip has a swing movement in relation to the first scaffolding unit, and grips under the second component at least partially in the locked position.

In regard to DE 297 14 266 U1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a support frame. The frame has vertical stays and triangular jibs. To fix at least one optimum horizontal angular position of each triangular jib a keyed connection is provided between the coupling member of at least one of the arms of the triangular jib and the associated vertical stay. This keyed connection is provided by a projection and a complementary indentation interacting with it. The projection can be a pin fitting into the hole-like indentation or rib fitting into a slit-like indentation. The indentation and rib run parallel to the relevant vertical stay. The optimum horizontal angle in relation to the longitudinal centre line of a work platform is approximately 60 degrees.

In regard to DE 297 12 339 U1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a support frame for a grid or a manhole cover. The support frame has a profiled edging strip to hold the frame and integral leveling screws with large area support heads which support the frame on the ground. The setting of each screw can be secured by a lock nut. The leveling screws are permanently secured to the underside of the frame with the size of the support sufficient to support the weight of the frame and the insert.

In regard to DE 298 05 538 U1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a handling support for medical blood banks. The handling support has a tower frame (1) with an outer circumference in the upper area at least one blood bag (B). A tube (BS) is connected to the blood bag to hang below it. It has a connector at its lower end to allow fastening of its lower end. There is at least one work station frame which is arranged at the outer circumference of the tower frame with a defined spacing. An automatic stripping station applies a stripping action to

the tube. There is further an automatic welding station with a welder so that the tube can be divided into sections. The tower can be mounted on a base and be made of light alloy.

In regard to DE 298 10 603 U1 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a garden fence system. The garden fence comprises spars which are pivotally connected to posts (1) via a double-axis pivot connector, where the first axis runs parallel to the longitudinal axis of the posts and the second axis runs normal to the longitudinal axis of the posts. Battens are connected to the spars via a single axis pivot connector. The single-axis connector encompasses a rod-like element passing through the battens and respective spar. The double-axis connector encompasses an angle section and a base plate which is rigidly attached to a post. The first leg of the angle section is connected with a post so as to be pivotable about the second axis. The second leg has a distal surface facing the post which is convexly curved about the first axis. This curved leg can be brought into contact with a concave distal surface of the base plate. Clamps are provided for holding the leg and base plate together.

In regard to FR 2 691 625 A3 and based solely on the drawings and the attached English language Abstract this reference is pertinent because it seems to be directed to a disposable trocar (or trochar). The disposable trocar is made from a fiber-reinforced plastic produced by injection, compression or vacuum-injection molding, or from a fiber-reinforced crystalline polymer. The plastic used for the trochar is a thermo-setting plastic selected from e.g. polyesters, polyamides, polycarbonates, polystyrenes and copolymer sates of styrene or other monomers or it can be made from a thermoplastic selected from polyesters, melamine epoxy plastics and polyurethanes. The reinforcing fibers can be of glass, at least 5 mm long and 8-50 microns thick, forming 30-75% by vol. of the plastic. The trochar is in the shape of a bar with one end (1) shaped to receive a drainage tube, a curve (4) and a pointed tip (5) at the other end formed by two flat surfaces at an acute angle.

In regard to JP 2002 119532A, it seems to be related to US Patent 6,451,039 and Canadian patent CA 2 355 478 A1. Based solely on U.S. Patent 6,451,039 and

Canadian Patent 2 355 478 A1, this reference is pertinent because it seems to be directed to a microkeratome for creating lamellar sections from a biological tissue.

Further, Applicants reserve the right to contest any of these references as prior art against the present application, and Applicants do not believe that the disclosure of these references, even if finally determined to be prior art, anticipates Applicants' invention or that these references make Applicants' invention obvious.

The undersigned attorney hereby states that as governed by 37 C.F.R. 1.97(b), each item of information contained in this Information Disclosure Statement is being filed prior to the mailing of an Office Action on the merits. Accordingly, Applicants submit that no fee is required for this Information Disclosure Statement, however, should any fees under 37 C.F.R. §§1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Assistant Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson and Lione account number 23-1925.

Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

Respectfully submitted,

April 12, 2005  
Date

John C. Freeman  
John C. Freeman (Reg. No. 34,438)



<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	<b>SERIAL NO.</b>	<b>CASE NO.</b>
	10/786,350	10781-25
	<b>FILING DATE</b> February 25, 2004	<b>GROUP ART UNIT</b> 3739
<b>APPLICANTS:</b> Ioannis Pallikaris et al.		

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION DATE	NAME	CLASS/SUBCLASS	FILING DATE
	B1	2,881,500	04/14/1959	C. W. Furness		
	B2	4,346,482	08/31/1982	Tennant et al.		
	B3	4,381,007	04/26/1983	Doss		
	B4	4,417,579	11/29/1983	Soloviev et al.		
	B5	4,646,720	03/03/1987	Peyman et al.		
	B6	4,662,370	05/05/1987	Hoffmann et al.		
	B7	4,662,881	05/05/1987	Nordan		
	B8	4,676,790	06/30/1987	Kern		
	B9	4,688,570	08/25/87	Kramer et al		
	B10	4,715,858	12/29/1987	Lindstrom		
	B11	4,770,172	09/13/1988	L'Esperance, Jr.		
	B12	4,773,414	09/27/1988	L'Esperance, Jr.		
	B13	4,775,361	10/04/1988	Jacques et al.		
	B14	4,793,344	12/27/1988	Cumming et al.		
	B15	4,838,266	06/13/1989	Koziol et al.		
	B16	4,840,175	06/20/1989	Peyman		
	B17	4,844,060	07/04/89	Krumeich		
	B18	4,865,033	09/12/89	Krumeich et al.		
	B19	4,884,570	12/05/89	Krumeich et al.		
	B20	4,955,894	09/11/1990	Herman		
	B21	5,011,498	04/30/1991	Krumeich et al.		
	B22	5,108,388	04/28/1992	Trokkel		
	B23	5,171,318	12/15/1992	Gibson et al.		
	B24	5,192,316	03/09/1993	Ting		
	B25	5,196,027	03/23/1993	Thompson et al.		
	B26	5,213,720	05/25/1993	Civerchia		
	B27	5,312,330	05/17/1994	Klopotek		
	B28	5,318,047	06/07/1994	Davenport et al.		
	B29	5,319,424	06/07/1994	Tomiyama		
	B30	5,323,788	06/28/1994	Silvestrini et al.		
	B31	5,374,515	12/20/1994	Parenteau et al.		
	B32	5,395,385	03/07/1995	Kilmer et al.		
	B33	5,423,801	06/13/1995	Marshall et al.		
	B34	5,437,658	08/01/1995	Muller et al.		
	B35	5,490,849	02/13/1996	Smith		
	B36	5,496,339	03/05/1996	Koepnick		
	B37	5,505,723	04/09/1996	Muller		
	B38	5,522,888	06/04/1996	Civerchia		
	A39	5,549,597	08/27/1996	Shimmick et al.		
	B40	5,549,632	08/27/1996	Lai		
	B41	5,599,341	02/04/1997	Mathis et al.		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
-----------------	------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



FORM PTO-1449  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	SERIAL NO. 10/971,727	CASE NO. 10781- 25
	FILING DATE February 25, 2004	GROUP ART UNIT 3739
	APPLICANT(S): Ioannis Pallikaris et al.	

	B42	5,613,965	03/25/1997	Muller		
	B43	5,630,810	05/20/1997	Machat		
	B44	5,632,757	05/27/1997	Arnott		
	B45	5,647,865	07/15/1997	Swinger		
	B46	5,649,943	07/22/1997	Amoils		
	B47	5,676,679	10/14/1997	Simon et al.		
	B48	5,685,998	11/11/1997	Shannon et al.		
	B49	5,690,657	11/25/1997	Koepnick		
	B50	5,699,810	12/23/1997	Pallikaris		
	B51	5,700,274	12/23/1997	Feaster		
	B52	5,711,762	01/27/1998	Trokell		
	B53	5,716,633	02/10/1998	Civerchia		
	B54	5,722,427	03/03/1998	Wakil et al.		
	B55	5,722,971	03/03/1998	Peyman		
	B56	5,735,843	04/07/1998	Trokell		
	B57	5,740,803	04/21/1998	Gray et al.		
	B58	5,741,245	04/21/1998	Cozean et al.		
	B59	5,779,696	07/14/1998	Berry et al.		
	B60	5,795,351	08/18/1998	Clapham		
	B61	5,807,380	09/15/1998	Dishler		
	B62	5,827,641	10/27/1998	Parenteau et al.		
	B63	5,833,701	11/10/1998	Gordon		
	B64	Re.35,974	12/01/1998	Davenport et al.		
	B65	5,857,995	01/12/1999	Thomas et al.		
	B66	5,904,678	05/18/1999	Pop		
	B67	5,919,185	07/06/1999	Peyman		
	B68	5,941,874	08/24/1999	Hohla		
	B69	5,964,748	10/12/1999	Peyman		
	B70	5,970,984	10/26/1999	Wakil et al.		
	B71	5,975,351	11/02/1999	DeLacerda		
	B72	5,980,543	11/09/1999	Carriazo et al.		
	B73	5,984,916	11/16/1999	Lai		
	B74	5,989,272	11/23/1999	Barron et al.		
	B75	6,006,756	12/28/1999	Shaddock		
	B76	6,030,398	02/29/2000	Klopotek		
	B77	6,036,683	03/14/2000	Jean et al.		
	B78	6,071,293	06/06/00	Krumeich		
	B79	6,083,236	07/04/2000	Feingold		
	B80	6,099,541	08/08/2000	Klopotek		
	B81	6,110,202	08/29/2000	Barraquer et al.		
	B82	6,129,723	10/10/2000	Anderson et al.		
	B83	6,132,421	10/17/2000	Clapham		
	B84	6,162,210	12/19/2000	Shaddock		
	B85	6,171,336 B1	01/09/2001	Sawusch		
	B86	6,187,053 B1	02/13/2001	Minuth		
	B87	6,203,538 B1	03/20/2001	Peyman		
	B88	6,217,571 B1	04/17/2001	Peyman		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	<b>SERIAL NO.</b>	<b>CASE NO.</b>
	10/971,727	10781- 25
	<b>FILING DATE</b> February 25, 2004	<b>GROUP ART UNIT</b> 3739
<b>APPLICANT(S):</b> Ioannis Pallikaris et al.		

	B89	6,221,067 B1	04/24/2001	Peyman		
	B90	6,241,721 B1	06/05/2001	Cozean et al.		
	B91	6,254,619 B1	07/03/2001	Garabet et al.		
	B92	6,264,648 B1	07/24/2001	Peyman		
	B93	6,280,435 B1	08/28/2001	Odrich et al.		
	B94	6,280,469 B1	08/28/2001	Terry et al.		
	B95	6,280,470 B1	08/28/2001	Peyman		
	B96	6,293,938 B1	09/25/2001	Muller et al.		
	B97	6,302,896 B1	10/16/2001	Carriazo et al.		
	B98	6,306,075 B1	10/23/2001	Shadduck		
	B99	6,322,216 B1	11/27/2001	Yee et al.		
	B110	6,331,177 B1	12/18/2001	Munnerlyn et al.		
	B111	6,379,370 B1	04/30/2002	Feinsod		
	B112	6,391,055 B1	05/21/2002	Ikada et al.		
	B113	6,409,345 B1	06/25/2002	Molebny et al.		
	B114	6,436,093 B1	08/20/2002	Ruiz et al.		
	B115	6,451,039 B1	09/17/2002	Richey, Jr. et al.		
	B116	6,458,141 B1	10/01/2002	Peyman		
	B117	6,464,692 B1	10/15/2002	Ruiz et al.		
	B118	6,497,701 B2	12/24/2002	Shimmick et al.		
	B119	6,530,916 B1	03/11/2003	Shimmick		
	B120	6,543,453 B1	04/08/2003	Klima et al.		
	B121	6,544,286 B1	04/08/2003	Perez		
	B122	6,551,307 B2	04/22/2003	Peyman		
	B123	6,559,305 B1	07/29/2003	Feingold		
	B124	6,589,558 B1	07/08/2003	Pallikaris		
	B125	6,607,527 B1	08/19/2003	Ruiz et al.		
	B126	6,623,497 B1	09/23/2003	Feingold		
	B127	6,626,924 B1	09/30/2003	Klopotek		
	B128	6,638,271 B2	10/28/2003	Munnerlyn et al.		
	B129	6,666,855 B2	12/23/2003	Somani et al.		
	B130	6,673,062 B2	01/06/2004	Yee et al.		
	B131	6,702,807 B2	03/09/2004	Peyman		
	B132	6,702,832 B2	03/09/2004	Ross et al.		
	B133	6,706,036 B2	03/16/2004	Lai		
	B134	6,730,073 B2	05/04/2004	Bruce		
	B135	2001/0053917 A1	12/20/01	Lin et al.		
	B136	2002/0026101 A1	02/28/2002	Bookwalter		
	B137	2002/0026240 A1	02/28/2002	Pallikaris et al.		
	B138	2002/0052596 A1	05/02/2002	Pallikaris et al.		
	B139	2002/0052614 A1	05/02/2002	GeBauer		
	B140	2002/0077640 A1	06/20/2002	Metzger		
	B141	2003/0011745 A1	01/16/2003	Molebny et al.		
	B142	2003/0018347 A1	01/23/2003	Pallikaris et al.		
	B143	2003/0018348 A1	01/23/2003	Pallikaris et al.		
	B144	2003/0083743 A1	05/01/2003	Perez		
	B145	2003/0105521 A1	06/05/2003	Perez		

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
-----------------	------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	SERIAL NO.	CASE NO.
	10/971,727	10781- 25
	FILING DATE February 25, 2004	GROUP ART UNIT 3739
APPLICANT(S): Ioannis Pallikaris et al.		

	B146	2003/0139755 A1	07/24/2003	Dybbs		
	B147	2003/0220653 A1	11/27/2003	Perez		
	B148	2004/0059361 A1	03/25/2004	Feingold		
	B149	2004/0073246 A1	04/15/2004	Aufure et al.		
	B150	2004/0097955 A1	05/20/2004	Feingold		
	B152	2004/0220599 A1	11/04/2004	Pallikaris et al.		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	B153	WO 01/93791 A1	12/13/2001	WIPO		X
	B154	WO 01/97729 A1	12/27/2001	WIPO		X
	B155	WO 02/06883 A2	01/24/2002	WIPO		X
	B156	WO 03/009789 A1	02/06/2003	WIPO		X
	B157	WO 03/026542 A1	04/03/2003	WIPO	X	
	B158	WO 03/061518 A2	07/31/2003	WIPO		X
	B159	EP 0 659 955 B1	01/29/1997	EP	X	
	B160	EP 0 873 735 A1	10/28/1998	EPO		X
	B161	EP 0 956 840 A2	11/17/1999	EPO		X
	B162	EP 1 181 913 A2	02/27/2002	EP		X
	B163	EP 1 199 055 A1	04/24/2002	EP	X	
	B164	EP 1 350 492 A2	10/08/2003	EP		X
	B165	DE 27 50 492 A1	05/17/1979	West Germany	X	
	B166	DE 38 38 253 A1	05/23/1990	Germany	X	
	B167	DE G93 15 396.1 U1	02/17/1994	Germany		X
	B168	DE 100 51 215 A1	05/08/2002	Germany	US 2002/ 0052614	
	B169	DE 101 19 477 A1	10/24/2002	Germany	X	
	B170	DE 102 14 917 A1	10/16/2003	Germany		X
	B171	DE 102 32 169 A1	02/05/2004	Germany	X	
	B172	DE 198 47 089 A1	05/31/2000	Germany	X	
	B173	DE 200 23 239 U1	08/14/2003	Germany	US 2002/ 0052614	
	B174	DE 201 07 259 U1	12/06/2001	Germany	X	
	B175	DE 202 04 635 U1	09/04/2003	Germany	X	
	B176	DE 297 14 266 U1	12/11/1997	Germany	X	
	B177	DE 297 12 339 U1	01/29/1998	Germany	X	
	B178	DE 298 05 538 U1	07/16/1998	Germany	X	
	B179	DE 298 10 603 U1	12/03/1998	Germany	X	
	B180	FR 2 691 625 A3	12/03/1993	France	X	
	B181	JP 2002119532 A	04/23/2002	Japan	US 6,451,039	
	B182	CA 2,355,478 A1	02/25/2002	Canada		x

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (use several sheets if necessary)	SERIAL NO. 10/971,727	CASE NO. 10781- 25
	FILING DATE February 25, 2004	GROUP ART UNIT 3739
	APPLICANT(S): Ioannis Pallikaris et al.	

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	B183	Ioannis G. Pallikaris, MD, Maria E. Papatzanaki, MD, Evdoxia Z. Stathi, MD, Oliver Frenschock, and Anthimos Georgiadis, PhD, "Laser in Situ Keratomileusis, Lasers in Surgery and Medicine," Vol.10, 1990, pp. 463-468.
	B184	Chen, K-H. et al. "Transplantation of Adult Human Corneal Endothelium Ex Vivo: A Morphologic Study," Cornea, Vol.20, No.7, 2001, pp. 731-737.
	B185	Joo, C-K et al. "Repopulation of Denuded Murine Descemet's Membrane with Life-Extended Murine Corneal Endothelial Cells as a Model for Corneal Cell Transplantation," Graefes Archive for Clinical and Experimental Ophthalmology; Vol. 238, No.2, 2000, pp. 174-180.
	B186	Schwab, I. R. and Isseroff, R. R., "Bioengineered Corneas - The Promise and the Challenge," The New England Journal of Medicine; Vol. 343, No.2, 2000, pp. 136-138.
	B187	Tsai, R. J-F. et al. "Reconstruction of Damaged Corneas by Transplantation of Autologous Limbal Epithelial Cells" The New England Journal of Medicine; Vol. 343, No.2, July 13, 2000, pp. 86-93.
	B188	Chen, C. C. et al. "Human Corneal Epithelial Cell Viability and Morphology after Dilute Alcohol Exposure" Investigative Ophthalmology & Visual Science; Vol.43, No.8, August, 2002, pp. 2593-2602.
	B189	Pallikaris, Ioannis G., M.D., et al. "Epi-LASIK: Comparative Histological Evaluation of Mechanical and Alcohol-Assisted Epithelial Separation," J Cataract Refract Surg; Vol. 29, August 2003, pp. 1496 – 1501.
	B190	EPI-Peeler Drawing by Geuder, Germany, produced from Chris Lohmann presentation, April 2004, One page.
	B191	Lohmann, Chris P., MD, PhD, "Epi-Lasik Epi-Tome", presented April 2004, Seville, Spain, 47 pages.
	B192	Photo using a light microscope of a blade manufactured by GeBauer, evaluated in Athens, Greece, on or about June 2004, One page.
	B193	Soloway, Barrie D., "US Clinical Studies with the EpiK for E-Lasik" performed by Moria (Epi-Lasik and Lamellar Surgery), presented September 18, 2004, Paris, France, Twenty-three pages.
	B194	Gebauer announcements of clinical results for the first 100 Epi-LASIK patients treated in Europe, March 5, 2004, One page.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.